Amrut/Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.15/2022

THE GOA FOUNDATION, through its Secretary, Dr. Claude Alvares, age 71 years, having Regd. Office at Room No.7, above Mapusa Clinic, Mapusa, Goa 403 507, PAN No. AAAAG0249C Email id: goafoundation@gmail.com

... PETITIONER

Versus

1. STATE OF GOA, Through its Chief Secretary, Secretariat, Porvorim, Goa.

2. THE GOA STATE BOARD FOR WILDLIFE, through its Member Secretary, CWW, with address at Gomantak Maratha Samaj Building, Panjim, Goa 403001

3. THE CHIEF WILDLIFE WARDEN, Madei Wildlife Sanctuary, with address at Gomantak Maratha Samaj Building Panjim, Goa 403001.

4. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (PCCF) Government of Goa, with address at Gomantak Maratha Samaj Building, Panjim, Goa 403001.

5. NATIONAL TIGER CONSERVATION AUTHORITY, B-1 Wing, 7th Floor, Pt. Deendayal Antyodaya Bhawan, CGO Complex, New Delhi-110003.

6. MINISTRY OF ENVIRONMENT, FORESTS & CC, through its Secretary Indira Paryavaran Bhavan, Jor Bagh Rd, New Delhi 110 003.

... RESPONDENTS

Ms Norma Alvares with Mr Om D'Costa, Advocates for the Petitioner.
Mr D. Pangam, Advocate General with Ms Maria Correia, Additional Government Advocate for the Respondents 1 to 4 (State).
Mr R. Chodankar, Central Govt. Standing Counsel for Respondents No.5 and 6.

CORAM: **M. S. SONAK &**
BHARAT P. DESHPANDE, JJ.

Reserved on: **10th JULY 2023**
Pronounced on: **24th JULY 2023**

JUDGMENT: (Per M. S. Sonak, J.)

निर्वनो वध्यते व्याघ्रो निर्व्याघ्रं छिद्यते वनम्।
तस्माद्व्याघ्रो वनं रक्षेद्वयं व्याघ्रं च पालयेत् ॥
-महाभारत - उद्योग पर्व : ५.२९.५७

If there is no forest, then the tiger gets killed;
if there is no tiger, then the forest gets destroyed.
Hence, the tiger protects the forest and the forest guards the tiger!

-Mahabharat (Kumbhaghonam Edition) – Udyoga Parva: 5.29.57
(NTCA Report on Status of Tigers - 2022)

1. The International Union for Conservation of Nature (IUCN) estimates that 3726 to 5578 tigers live in the wild worldwide. Out of these, the tiger population in India, as per the 2023 Tiger Census, is estimated at 3167. In 1947, at the time of

157. Therefore, it is not as if no sooner than a tiger reserve is notified, there would be some large-scale resettlement and relocation of Scheduled Tribes or other forest dwellers occupying some areas in the tiger reserve. Besides, from the material on record, the Goa Forest Department officials have ensured that most habitation areas are already excluded from the core area of the proposed tiger reserve.

158. The NTCA's Guidelines of 2012 also contain provisions for promoting coexistence between wildlife and human activity with due recognition of the local people's livelihood, developmental, social and cultural rights. We think that the Forest Department should disseminate the information about these guidelines and policy instead of encouraging the impression that the rights of the Scheduled Tribes and other forest dwellers would be adversely affected or that there would be some large-scale immediate displacement.

159. For all the above reasons, we dispose of this petition by making the following order:-

> (i) We direct the State Government to notify the Mhadei WLS and other areas referred to in NTCA's communications (and the plans prepared by the Goa Forest Department Officials) as a tiger reserve under

Section 38-V (1) of the WLPA within three months from today;

(ii) We direct the State Government to take all steps to prepare a tiger conservation plan as contemplated by Section 38-V (3) of the WLPA and to forward the same to the NTCA within three months from notifying the Mhadei WLS and other areas as a tiger reserve;

(iii) We direct the NTCA to render full assistance to the State Government for completing the above process and after that to expeditiously process the State Government's Tiger Conservation Plan and take a decision thereon within three months of receiving the tiger conservation plan from the State Government;

(iv) We direct the State Government to set up anti-poaching camps at strategic locations to be staffed by forest guards, watchers, etc., in the WLS and National Parks in the State of Goa. This exercise must be completed within six months;

(v) We direct the State Government and the Forest Department authorities to take emergent steps to ensure that there are no encroachments in the protected forest

areas like WLS and National Parks pending notification of the tiger reserve, and even after that;

(vi) We direct the State Government to determine and settle the rights and claims of the Scheduled Tribes and other forest dwellers following the law as expeditiously as possible and preferably within 12 months from today.

160. The rule is made absolute in the above terms without any cost order.

BHARAT P. DESHPANDE, J. **M. S. SONAK, J.**

SUCHITRA NANDAN SINGBAL Digitally signed by SUCHITRA NANDAN SINGBAL Date: 2023.07.24 13:36:44 +0530